



City of Cathedral City
Planning Commission Minutes for December 15, 2004
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Attendance

Commissioners Present: Chair Gene Touchet; Vice Chair Doug Diekmann; Commissioners Stan Barnes, Bill Feist and Sonja Marchand.

Commissioners Absent: None

Staff Present: Senior Planner Bud Kopp, Development Project Manager Jerry Jack, and Deputy City Attorney Michael Shirey.

Approval of Minutes from December 1, 2004

Shirey said that the approval for Design Review No. 04-017 should have the following additions and read as follows:

*A Motion was made by Diekmann, seconded by Marchand, carried by a 4-0-1 vote, with Barnes being absent, to approve a Categorical Exemption pursuant to CEQA Code of Regulation 15301(e), Class 1 for Design Review No. 04-017 **and approving Design Review No. 04-017** subject to the correction to Condition No. 4.18g which shall read as: "This type of equipment shall not be placed in a turf area and shall be screened from public view."*

Shirey said that the approval for Condition Use Permit No. 04-016 should have the following additions and deletions and read as follows:

*A Motion was made by Marchand, seconded by Diekmann, carried by a 4-0-1 vote, with Barnes absent, to approve a Categorical Exemption ~~from the~~ **pursuant to** CEQA Code of Regulation 15303, Class 3 for Conditional Use Permit 04-016 **and approving Condition Use Permit CUP 04-016** ~~to revise~~ **and revising** the approving resolution to state 63 feet instead of 65 feet as the height of the monopalm.*

Marchand said that the first comma should be deleted in the last sentence of the third paragraph on page 1 of 4.

Feist said that the Commission excused Barnes' absence from the December 1, 2004 Planning Commission meeting pursuant to a motion from Feist with a second from Diekmann.



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A motion was made Marchand, seconded by Diekmann to approve the December 1, 2004 Minutes with revisions as noted herein. The motion was approved by a vote of 4-0-1 with Barnes not voting since he was absent.

Public Hearing Items

Tentative Tract Map No. 32557, Lennar/Palm Springs Classic. **Tentative Tract Map No. 32558, Lennar/Palm Springs Classic.**

Barnes informed the Commission that he must recuse himself from hearing these two tentative maps because of a business relationship with the applicant and Barnes left the City Council Chambers.

Kopp presented the staff report stating that the staff report covers Public Hearing Item Nos. A.1 and A.2 since the projects are residential subdivisions proposed within the same area by the same applicant. Kopp said that access to the proposed subdivisions is through the City of Palm Springs and that staff from the Cities of Cathedral City and Palm Springs have met regarding the two proposed subdivisions. Kopp said that the proposed subdivisions will provide access to the parcel located between the two subdivisions. He explained to the Commission that secondary access will be provided from the southerly tract via proposed Street "D" to San Joaquin Street and also informed the Commission that these subdivisions were processed in accordance with a Mitigated Negative Declaration. The following mitigation measures have been placed on the subdivisions:

- Preconstruction Biological Survey;
- Fringe Toad Lizard Mitigation Fee;
- Army Corps of Engineers 404 Permit;
- Reciprocal Response Agreement with Palm Springs and Cathedral City Police and Fire Departments.

Kopp also said that City of Palm Springs engineering staff recently submitted a letter concerning sewer service for the proposed subdivisions and Kopp informed the Commission that he has received a "will serve" letter from Desert Water Agency concerning Palm Springs' staff concerns.

Kopp said that Condition of Approval No. 62 should be deleted because it is the same as Condition No. 19, for both approving resolutions.

Shirey stated that Condition No. 66 of both approving resolutions should read as follows:

"Prior to issuance of a building permit for any single family dwelling within the subdivision, subdivider has voluntarily consented to



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cooperating and participating in the formation a community facilities of a district ("District") incorporating the entire boundaries of the subject map pursuant to the Mello-Roos Community Facilities Act of 1982 (Government Code section 53311, et seq.) ("Act") that may require the payment of special taxes per dwelling unit of the single family residences within the subdivision at the time of formation of the District or at the time of annexation to an existing District which may be subject to an automatic annual Cost of Living Adjustment ("COLA") during the entire term of the District."

Kopp informed the Commission that the applicant accepted the revised language for Condition No. 66 and further informed the Commission that both approving resolutions must be revised as follows:

Under Section 2, include the California Code of Regulations 15074 findings as follows:

d) On the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the mitigated negative declaration reflects the lead agency's independent judgment and analysis.

Revise the following Sections:

Section 4. CUSTODIAN OF RECORDS

The custodian of the records of the proceedings upon which the lead agency's decision is based for the Mitigated Negative Declaration shall be the Cathedral City Planning Department.

Section 5. MITIGATION MONITORING PROGRAM

In accordance with Section 15074, of Chapter 3, of Title 14, of the California Code of Regulations, the Mitigation Monitoring Program contained in Chapter 4 of the Draft Initial Study and Mitigated Negative Declaration, dated November 3, 2004, shall serve as the City's reporting program for monitoring the mitigation measures specified in the Mitigated Negative Declaration.

Change Section 4 to Section 6 and Section 5 to Section 7.

Feist asked at what level staff discussed the issue of de-annexation from Cathedral City with annexation to Palm Springs. Kopp said that if the property owner does



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want to deannex from the City of Cathedral City and annex to the City to Palm Springs that they can initiate that action.

Marchand asked whether Desert Water is the actual property owner. Marchand read parts of the Palm Springs letter regarding the sewer treatment plant and fees, to wit: *"Properties outside the City shall pay a sewer facility fee equal to twice the rate established for properties within the City limits."* Jack responded to Marchand and said that any property located outside of Palm Springs that uses the sewer treatment plant must pay double fees because of capacity issues and that this double fee was approved by the Palm Springs' City Council. Jack also said that if Desert Water Agency becomes the owner of the sewer treatment plant, then the double fees will go away.

Marchand said that she walked the site and asked about the grading. Jack said that the grading is for the well site.

Touchet opened the public comment portion of the public hearing.

Suzanne Johns said that she works for Lennar and is the applicant for the two subdivisions. Johns informed the Commission that Lennar has absolutely no intention to de-annex from the City into Palm Springs. She also said that they are currently working on the future hotel, golf course and driving range portion of the overall project.

Marco Celedon from MSA Consulting, the applicant's engineer, said that he has worked on the project for many years with Palm Springs and that he attempted to work with the Indians on the allottee parcel for circulation, but that the Indians do not want to develop the allottee parcel at this time. Celedon also said that they will be working with the Redevelopment Agency on an adjacent parcel concerning the redesign of a cul-de-sac for the project.

Touchet asked if there is going to be affordable housing with this project. Celedon said that there will not be any affordable housing within this project and that the RDA is adding some affordable units on an adjacent parcel and that Lennar and the RDA will only be working together concerning street design issues.

Marchand asked how many affordable units these projects will require in accordance with state requirements. Kopp responded approximately eight or nine. Marchand said that the City is getting itself into a deeper hole concerning providing for required affordable housing. Kopp said that he can report Marchand's concern regarding affordable housing to City Council in the Fiscal Impact Analysis. Kopp also said that with these two projects are adding sewer infrastructure to the area, this will aid the RDA affordable housing project.

Feist complimented the developer on the proposed large lots for the two projects.



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Marchand asked where the primary access to the project is and Kopp said that the entrance is off of Gene Autry Trail with emergency access through Cathedral City via San Joaquin. Marchand asked whether the emergency access is also secondary access and Kopp responded no.

Diekmann asked what the traffic impact was to Ramon Road. Celedon said that there was a traffic study prepared for Palm Springs showing a greater number of units proposed for the projects and that since the number of proposed units has been decreased and the infrastructure improvements are still being installed to accommodate the greater number of units, and trips generated, the level of service for Ramon Road is still acceptable.

Diekmann asked whether staff reviewed the Palm Springs traffic impact study and Jack said that staff did review the Palm Springs traffic study and that the Palm Springs side of Ramon Road will get most of the impacts from the increased traffic and that staff will monitor the Transportation Uniform Mitigation Fee ("TUMF") funds for eventually improving the Whitewater Channel Bridge.

Juan Jose Jimenez, a resident of Dream Homes, asked what will identify the boundary of Dream Homes from these proposed projects and whether there will be a taking of any Dream Homes parcels for street purposes.

Jack responded by saying that the project roadways will not affect any of the Dream Homes parcels.

Kopp said that along the east/west portion of San Joaquin, various properties will have double frontages and along the north side of San Joaquin there will be a block wall with landscaping delineating the boundary between the proposed project and Dream Homes.

Touchet closed the public comment portion of the public hearing.

Marchand said that she hopes that Dream Homes does not have to pay the double sewer fee.

A Motion was made by Feist, seconded by Diekmann, carried by a 4-0-1 vote, with Barnes abstaining, recommending that the City Council adopt the Mitigated Negative Declaration for Environmental Assessment No. 04-012 for Tentative Tract Map No. 32557 and approving Tentative Tract Map No. 32557 based on the findings included in the resolution and subject to the revisions contained in the minutes as indicated herein.

A Motion was made by Diekmann, seconded by Marchand, carried by a 4-0-1 vote, with Barnes abstaining, recommending that the City Council adopt the Mitigated Negative Declaration for Environmental Assessment No. 04-012 for Tentative Tract Map No. 32558



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and approving Tentative Tract Map No. 32558 based on the findings included in the resolution and subject to the revisions contained in the minutes as indicated herein.

Conditional Use Permit No. 04-013, K-Mart.
Conditional Use Permit No. 04-020, Drive Through.

Marchand informed the Commission that she must recuse herself from hearing these two items because her family trust owns property located within 500 feet of the proposed project. Marchand left the building.

Kopp presented the staff report stating the staff report covers Public Hearing Item Nos. B.1 and B.2 since the projects are located on the same site. Kopp said the Mitigated Negative Declaration specifically addressed the following:

- Radii and aisle widths for on-site circulation;
- Access to the site for storage will be regulated by the owner of the facility;
- Tower heights are acceptable because they do not create any additional floor space;
- The applicant will be required to dedicate public right of way for the ultimate width of Date Palm Drive;
- The applicant will enter into an agreement regarding deferring the ultimate improvements to Date Palm Drive.
- Requirement of zero foot-candles of lighting at the property line to mitigate spill-over lighting to adjacent properties;
- A cultural mitigation Condition of Approval;
- Projects must meet City Noise Element standards; and
- The easterly property line must be landscaped.

Kopp further informed the Commission that, per the Municipal Code standard of requiring one parking space for every 1000 square feet of area in this zone, 288 parking spaces are required for the proposed storage facility. Kopp said that the applicant is requesting a reduction in the required amount of parking to 178 spaces at a ratio of one parking space for every 1102 square feet of floor area. Kopp said that the applicant is requesting this reduction because of the low number of trips generated by the type of facility. He further said that staff is recommending that the parking requirement for the proposed storage facility be reduced to one space for every 5000 square feet of floor area for a total of 35 spaces. Kopp said that staff believes that this reduced amount of parking is all that is necessary for a self-storage facility that includes conveniently located loading/unloading zones.



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Lastly, he stated that by reducing the parking requirement for the storage facility it will free parking up for future commercial uses for the remainder of the site.

Kopp said that he received a correspondence from Mr. and Mrs. Lane of 69130 Gerald Ford Drive, Unit No. 41, concerning the project. He said that the Lanes object to the proposed location of the loading zone and asked if staff reviewed alternative loading zone locations. Staff concluded that the proposed locations are situated at the best location for the site and the applicant did not wish to locate the loading zones on the westerly side of the building because that would decrease the parking depth for future commercial projects.

Kopp said that Condition of Approval No. 59 in the storage facility resolution was revised to have the carport design be approved by the Architectural Review Committee prior to issuance of Building Permits and that this revision is reflected in the revised resolution which was distributed to the Commission.

Shirey informed the Commission that both approving resolutions must be revised as follows:

Under Section 2, include the California Code of Regulations 15074 findings as follows:

d) On the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the mitigated negative declaration reflects the lead agency's independent judgment and analysis.

Existing "d)" should be deleted, it is redundant – See Section 1 "d)".

Revise the following Sections:

Section 4. CUSTODIAN OF RECORDS

The custodian of the records of the proceedings upon which the lead agency's decision is based for the Mitigated Negative Declaration shall be the Cathedral City Planning Department.

Section 5. MITIGATION MONITORING PROGRAM



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In accordance with Section 15074, of Chapter 3, of Title 14, of the California Code of Regulations, the Mitigation Monitoring Program contained in Chapter 4 of the Draft Initial Study and Mitigated Negative Declaration, dated November 9, 2004, shall serve as the City's reporting program for monitoring the mitigation measures specified in the Mitigated Negative Declaration.

Change Section 4 to Section 6 and Section 5 to Section 7.

Diekmann asked what impacts the project will have on Date Palm Drive. Jack said that going by the uses currently planned for the projects, the proposed drive-through will have the most impact. Jack said that, currently, the Date Palm Drive project is currently going through environmental review. Jack further said that with the former K-Mart, right angle collisions use to be an issue on Date Palm Drive. However, the proposed projects are ultimately required to install a raised median on Date Palm Drive which should mitigate right angle collisions. Diekmann asked what impacts the project will have on Gerald Ford Drive. Jack said that Gerald Ford Drive will remain as four lanes with no raised median; however, traffic should not be an issue for Gerald Ford Drive because Sam's Club is leaving. Kopp added that the site now has a reduced retail component by at least one-third so that will also mitigate traffic impacts.

Touchet asked how the Commission could reduce the projects parking requirements and Kopp said that the Municipal Code allows for parking reductions and that the Commission can make findings.

Feist asked what the applicant's current parking proposal is. Kopp responded that the plan currently shows a ratio of one space for every 1102 square feet of floor area.

Touchet opened the public comment portion of the public hearing.

Alibabba Farzeneh, the applicant's representative said that the K-Mart has been vacant for 8 years and that he worked to bring a developer to the table on this storage project. He believes that the retrofitted building will look better for the community and that the site will also have better landscaping.

Edna Shriner, a condominium resident east of the proposed projects, said that the alley adjacent to her condominium is proposed to have 8 recreation vehicle storage/parking spaces and she asked whether these spaces will be garaged. Touchet said that these Recreational vehicle storage spaces will be in a carport.



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Shriner asked about the noise. Feist said that generally people only move their Recreational Vehicles one to five times annually so there will not be a lot of noise generated. Shriner asked if there is going to be a fire gate for the project. Kopp informed her that the fire lane will remain open and the Fire Department has reviewed the Site Plan.

Howard Thorsvelt a condominium resident east of the proposed projects, asked whether a Knox Box will be installed on the two proposed gates and Kopp said yes. Thorsvelt asked whether there will be trash dumpsters located in the alley and Kopp said that there will be trash dumpsters located against the K-Mart building be built to City Standards including a decorative trellis. Thorsvelt asked whether there will be any inspection systems for the Recreational vehicle holding tanks and Kopp responded that there are no provisions in the City's Municipal Code concerning this issue. Thorsvelt then asked what the time frame for the project is? Touchet said that the Conditional Use Permit gives the applicant two years to issue permits for the project. Thorsvelt said that he and his wife support the storage project.

Howard Lane, a condominium resident east of the proposed projects, distributed a letter that he wrote to the Commission. He stated that he does not object to the drive-through and wanted to know what assurances there are that the smaller drive-through building will be constructed.

Ruth Lane, a condominium resident east of the proposed projects, asked what will happen to the alley side of the fence if maintenance work is performed on it.

Mary Kraft, Cathedral City, said that she thinks the biggest problem is the proposed recreational vehicle parking and asked if there is going to be landscaping to hide the recreational vehicle parking. Touchet asked what Ms Kraft's view is now. She said the back of the K-Mart is her viewshed.

Kay King, Cathedral City, said that the zone for the project is limited commercial and that that zone states that dust, noise and vibrations must be looked at.

Carol Shiver, Cathedral City, asked if the architectural towers are really needed because they will block her view. She also asked how high the towers will be?

Leon Zakolis, of Cathedral City, said that he is now aware that the second story is really an interior second story for storage purposes and does not increase the height of the building. He also stated that he has problems with self storage facilities because people sometimes live in them.



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Kahan Shakib, the applicant, said that he wants to be a good neighbor and is aware that some self storage facilities do have problems, but that he wanted to assure the adjacent residents that this facility will be fully enclosed and continuously monitored. Regarding the recreational vehicle storage, Shakih said that he believes that the recreational vehicle storage will have much less impact on the adjacent residents than the previous K-Mart because with the K-Mart there was constant activity and deliveries and this will not be the case with the recreational vehicle storage.

Feist asked about the rear wall. Shakih said that he will take care of it and be a good neighbor.

Diekmann said that the applicant will work with the neighbors concerning mitigating the view to the recreational vehicle storage. In addition, Diekmann asked the applicant if he will be taking measures to guarantee that people do not live in the storage units. Shakib said that yes, through monitoring and computers they will make sure that no one lives in the storage units. Diekmann also asked the applicant if an recreational vehicle will have to have its tank drained prior to storage. Shakib said yes. He then asked the applicant if he will have pest control provided at the storage facility. Shakib said yes. Then it was asked of the applicant what is planned for the block wall. Touchet said that the block wall will be handled as a Condition of Approval for the project. Diekmann requested that the applicant be creative for the design of the block wall.

Diekmann asked whether there must be handicap parking for the recreational vehicle storage. Kopp said that handicap parking is addressed with the overall site parking. Kopp also clarified that the zone is PCC and not PLC.

Feist wanted the applicant to address the east elevation, lighting and tower height issues for the adjacent condominium residents and Kopp said that that the requirement for zero foot-candles at the property line will mitigate any spill-over lighting issues for the adjacent residents. Regarding the height, Kopp said that the building height can be a maximum of 36 feet, but the tower can exceed the height per ordinance

Touchet still had concerns over the easterly wall issue and blocking the view to the proposed recreational vehicle storage. Kopp said that the Commission could add additional Conditions of Approval regarding these issues if they so chose.



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Feist asked what the operating hours of the storage facility will be and Shakihi said probably from 7am to 7pm.

Jack said that he did some calculations and that pollution from a truck is the same as 100 cars and that the pollution from a bus or recreational vehicle is the equivalent to 10 cars. Jack said that operating the site as a K-Mart would generate approximately 12 times more pollution than the proposed recreational vehicle storage and he also said that recreational vehicle's make less engine noise than a semi-truck.

Touchet asked staff to confirm the construction schedule. Kopp confirmed that the applicant has two years under the Conditional Use Permit to obtain permits for the project; however this schedule could be altered through the development agreement.

Feist asked if the proposed towers will go through the Architectural Review Committee (ARC). Kopp said that the ARC has already reviewed the storage facility project and actually recommended the towers and that the applicant has upgraded the tower element design based on the ARC's recommendation. Shakihi informed the Commission that the towers will be less than 36 feet tall and Kopp further informed the Commission that the towers are technically not a requirement for the project like they would be if the project was located in the downtown zone.

Barnes said that there is really a Catch-22 and that some of the residents want landscaping to block their views to the recreational vehicle storage, which could also block their views to the mountains, and conversely, want the tower heights reduced to not block their views.

Mark Vaghei, the storage facility projects architect, said that the storage facility proposed for the site will have the least impact on the residents. In addition, he stated that because of the 28 and 18 foot drive aisle separation from the existing condominium project, the recreational vehicle storage will actually be far away from the existing condominium project. Lastly, he said that the ARC required the towers but they can delete them from the proposed project.

Touchet closed the public comment portion of the public hearing.

The Commission wanted to reduce the parking requirements for the storage facility and asked about findings.



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Shirey recommended that findings be added as subsection (e) of Section 2 of the storage facility approving resolution which may read as follows:

Section 2. Based on the foregoing evidence the Planning Commission finds that:

(e) This type of use does not attract high customer/tenant traffic volumes and that a strict application of the parking requirements in the Zoning Ordinance would require this self storage facility to provide an inordinate amount of customer parking and that the flexibility to attract tenants that may require greater parking requirements is of great benefit to the City of Cathedral City and that the reduction in parking ratio from one space per 1000 square feet to one space per 5000 square feet is reasonable and supported by the evidence.

The Commission had a discussion of the tower issue trying to determine if the towers should be deleted from the project or retained as currently designed or modified.

With the consent of the Commission, Touchet opened the public comment portion of the public hearing again.

Shakih said that the towers are only 12 feet by 12 feet and that they will be located about 120 feet away from the existing neighboring condominium project.

Feist said that because the towers will be located so far away from the neighboring condominium project, he believes that there will be a negligible view impact to the residents and that the towers will actually look better for the condominium residents.

Touchet again closed the public comment portion of the public hearing.

Kopp suggested to the Commission that a Condition of Approval be added to the approving resolution for Conditional Use Permit No. 04-013, as Condition No. 60, which would state in pertinent part,

"The southerly elevation of the self storage facility is to be reviewed and approved by the ARC prior to issuance of any building permit.



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The ARC should consider similar façade elevations as shown around the perimeter of the building.”

A Motion was made by Feist, seconded by Barnes, carried by a 4-0-1 vote, with Marchand abstaining due to a conflict of interest, recommending that the City Council adopt the Mitigated Negative Declaration for Environmental Assessment No. 04-010 for Conditional Use Permit No. 04-013 and approving Conditional Use Permit No. 04-013 based on the findings included in the resolution and subject to the revisions contained in the minutes as indicated herein.

A Motion was made by Barnes, seconded by Deikmann, carried by a 4-0-1 vote, with Marchand abstaining due to a conflict of interest, recommending that the City Council adopt the Mitigated Negative Declaration for Environmental Assessment No. 04-010 for Conditional Use Permit No. 04-020 and approving Conditional Use Permit No. 04-020 based on the findings included in the resolution and subject to the revisions contained in the minutes as indicated herein.

City Planner Report

Kopp stated that for future resolutions which contain findings for Negative Declarations or Environmental Impact Reports, the changes that the Deputy City Attorney suggested at tonight's meeting will be added as boiler-plate language.

Kopp informed the Commission that the Stater Brothers Shopping Center at the northwest corner of Landau Boulevard at Vista Chino project was submitted and that February through April will be busy Planning Commission months.

Kopp informed the Commission that 14 new projects have recently been submitted.

Commissioner Comments

None

Minutes respectfully submitted by,

Rich Malacoff, AICP
Associate Planner
City of Cathedral City
January 4, 2004